

In the Matter Of:

DWAIN EDWARD THOMAS vs

KEVIN STITT

CARL LEROY LONG, JR.

August 08, 2024



1 they have that degree, because like they
2 have to.

3 But I try to, when we're doing
4 the interview, to see what type of person
5 or if the -- I mean, there's been times
6 when other investigators worked with these
7 people at Department of Corrections and
8 might have some insight, like when we're
9 doing references or checking the facility.

10 But the degree does not matter.
11 I mean, does not -- be the top 1 --
12 10 percent of hiring somebody.

13 Q Got it.

14 When you were a parole
15 investigator, was the orientation that you
16 went through the same as the orientation
17 that you now conduct with parole
18 investigators?

19 A They are very similar. The only
20 difference was I had an all-day training
21 for docketing, which we do not have one
22 because at that time back -- we were still
23 doing docketing by hand. Now, we do it
24 by -- with a computer program, so -- I
25 mean, we -- to figure the dates.

1 So that was the only difference.

2 Q And just to be clear for the
3 record, what are you referring to when you
4 say, "docketing"?

5 A Sorry. When I refer to
6 "docketing," is to calculate an inmate's
7 eligibility for parole.

8 Q Thank you.
9 And you said that parole
10 investigators receive a one-day -- one full
11 business day orientation before they begin?

12 A They're with me in it, yes.

13 Q And then you said something
14 along the ballpark of two to three days
15 with their supervisor?

16 A Yes. Then we will have a -- we
17 usually have a two to three-day, depends on
18 what time of the month it is that they are
19 hired. Because if we're right in the
20 middle of a deadline week, then they might
21 not get the full three days, but we would
22 move it over to the next week and -- you
23 know, as in a row.

24 But we try to get at least a
25 three-day with them. But then the

133

1 Q Parole investigators interview
2 inmates before the parole hearing, correct?

3 A Not all inmates.

4 Q But that would be one of their
5 duties in the situations in which an
6 in-person interview could be conducted,
7 they conduct those interviews.

8 That's one of their duties,
9 correct?

10 A That is one of the duties, yes.

11 Q Parole investigators draft
12 investigative reports for PPB members to
13 review, correct?

14 A Correct.

15 Q And parole investigators confirm
16 inmates' eligibilities for parole, correct?

17 A Say that again?

18 Q Parole investigators confirm
19 whether inmates are eligible for parole,
20 correct?

21 A Yes. Originally, when they
22 first come in and we do original parole
23 eligibility date and put them on a parole
24 docket.

25 During that parole docket, if

1 anything's changed when they come up, the
2 investigator will review that to make sure
3 they're still eligible to be on that parole
4 docket.

5 Q Is there any other role that
6 parole investigators are responsible for
7 that we haven't discussed yet?

8 A I don't -- I don't think so. I
9 don't know what...

10 Q Parole investigators are
11 employed by the PPB, correct?

12 A Yes.

13 Q Do PPB members communicate with
14 parole investigators in advance of the
15 pre-parole hearing interview?

16 A Okay. Are you saying PPB
17 members? Are you talking about the board
18 members or are you talking about the
19 staff --

20 Q I'm talking about the board
21 members.

22 A No, board members do not
23 communicate with them. All communication
24 with the board comes through me.

25 Q Is each inmate assigned a parole

1 outside. What do you mean?

2 I'm there to do an interview.

3 Q Did you ask any questions in
4 addition to the information in the
5 questionnaire --

6 (Simultaneous crosstalk.)

7 A Most of them, I speak -- I stick
8 to the questionnaire and on the questions,
9 because you've got -- when I was an
10 investigator, I had three facilities that I
11 had to visit.

12 So I would interview anywhere
13 and do a complete -- the last time I did
14 reports, I did over -- almost 30 reports a
15 month, because I had three facilities back
16 in 2007.

17 Q Have protocols regarding
18 interviews changed in any way since you
19 were a parole investigator?

20 A They've been -- not really
21 because there's no -- it's just an
22 interview.

23 Q You mentioned before that there
24 are exceptions to the in-person interview
25 requirement, correct?

1 A Yes.

2 MR. PRONIN: Jacob, if you could
3 just scroll down so we could get from
4 that bolded title "Exceptions to a
5 Personal Interview" -- thank you,
6 perfect.

7 BY MR. PRONIN:

8 Q Those exceptions are laid out
9 here on page 6 of the Investigator
10 Handbook, correct?

11 A Correct.

12 Q If an investigator decides that
13 an exception applies, does he or she have
14 to submit a request to anyone to proceed
15 without an in-person interview?

16 A No. Most of the time, now, they
17 required, like I -- you can see the last
18 one says failed to report, I put the dates
19 in the report that the inmate failed to
20 show for an interview.

21 Q So the investigator has the
22 discretion to unilaterally decide whether
23 they will proceed without an interview,
24 correct?

25 A Yes.

1 BY MR. PRONIN:

2 Q Mr. Long, that first sentence
3 under Interview Questionnaire, it says:
4 "Questionnaire should not be used
5 routinely."

6 Correct?

7 A Correct.

8 Q So the default would be to do an
9 in-person interview, correct?

10 A Correct.

11 MR. PRONIN: Okay. If
12 everyone's agreeable, I think this is
13 a good time for a break. We can come
14 back at 12:40, if that works for
15 everyone.

16 MS. BRIGIDA: Sounds good.

17 THE WITNESS: Sounds good.

18 THE VIDEOGRAPHER: The time is
19 12:30 p.m. We are going off the
20 record.

21 (Recess taken 12:30 p.m.)

22 (Resumed 12:48 p.m.)

23 THE VIDEOGRAPHER: The time is
24 12:48 p.m. We are back on the record.

25 MR. PRONIN: Thank you.

180

1 Can we get that exhibit back up
2 that was just up?

3 Yep, perfect. Thank you.

4 BY MR. PRONIN:

5 Q Mr. Long, we're going to go
6 through the written investigator report now
7 in a bit of detail. I'm going to try to
8 move through it as quickly as I can, but we
9 are going to go through each part.

10 After the investigation is
11 complete, parole investigators draft an
12 investigative report, correct?

13 A What was that?

14 Q After the investigation is
15 complete, parole investigators draft an
16 investigative report, correct?

17 A Correct.

18 MR. PRONIN: Could we go to
19 page 9, please, Jacob?

20 Can you please scroll down?

21 Perfect. Perfect. There you
22 go. Thank you.

23 BY MR. PRONIN:

24 Q Parole investigators create the
25 investigative report through the pardon and

229

1 change, you can change that it was dated
2 and say the prior interview.

3 Q So it would be indicated that
4 there was the prior -- it was the prior
5 interview --

6 A Yes.

7 Q -- that was being used?

8 A Yes.

9 Q Thank you.

10 A I think there is no other way
11 you can get not an interview.

12 Q Are the only ways to obtain the
13 inmate's version of the offense is through
14 the questionnaire and the in-person
15 interview?

16 A No. We can get to what they
17 told the Department of Corrections, but we
18 like -- in their interviews for the instant
19 offense, but we like to get our own version
20 from the inmate.

21 Q So if there was no in-person
22 interview and there was no questionnaire
23 filled out, you would get the information
24 from the Department of Corrections?

25 A Correct. We try everything else

230

1 before then.

2 Q What other avenues would you

3 try?

4 A Like I've said before, we had --

5 if we cannot get into personal, we send out

6 the questionnaire. If we can, we try to do

7 it through a phone call with the case

8 manager for the inmate.

9 And that's basically all we can
10 do if the inmate is at medium security or
11 maximum security.

12 Q Apologies. When I said,
13 "in-person," I just meant interview
14 overall.

15 So the only ways that they would
16 get this information personally is from an
17 interview, either in-person, phone call,
18 otherwise, or the questionnaire, correct?

19 A Correct.

20 Q And then the last resort, if
21 those options are unavailable, they'll get
22 the information from the DOC, correct?

23 A Correct. And if there is
24 nothing on there, they'll just put no
25 interview on it and no information